

United States Bankruptcy Court
Eastern District of Washington

In re:
GIGA WATT INC
Debtor(s)

Case No. 18-03197-FPC
Chapter 7

District/off: 0980-2
Date Rcvd: Oct 20, 2020

User: notice
Form ID: pdf002

Page 1 of 3
Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol Definition

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 22, 2020:

| Recip ID | Recipient Name and Address |
|-----------------|--|
| aty | + Mark Waldron, Mark D. Waldron, 6711 Regents Blvd. W., Suite B, Tacoma, WA 98466-5421 |
| cr | + Jun Dam, 237 Kearny #9096, San Francisco, CA 94108-4502 |
| 4035131 | + Pamela M Egan, Paul H Beattie, CKR Law LLP, 506 2nd Avenue, 14th Floor, Seattle, WA 98104-2343 |

TOTAL: 3

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 22, 2020

Signature: _____
/s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 20, 2020 at the address(es) listed below:

| Name | Email Address |
|----------------------|---|
| Adam C. Doupe | on behalf of Interested Party Allrise Financial Group doupe@ryanlaw.com doupear96329@notify.bestcase.com |
| Angie Lee | on behalf of Creditor Washington State Taxing Agencies bculee@atg.wa.gov |
| Benjamin A Ellison | on behalf of Creditor Committee Unsecured Creditors' Committee benaellison@gmail.com |
| Benjamin J McDonnell | on behalf of Creditor Clever Capital LLC ben@pyklawyers.com, lauren@pyklawyers.com,eboudreau@pyklawyers.com,ncross@pyklawyers.com |
| Benjamin J McDonnell | on behalf of Defendant Clever Capital LLC ben@pyklawyers.com, |

lauren@pyklawyers.com,eboudreau@pyklawyers.com,ncross@pyklawyers.com

Benjamin J McDonnell
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lauren@pyklawyers.com,eboudreau@pyklawyers.com,ncross@pyklawyers.com

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Christopher F Ries
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Daniel D Pharris
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David A Kazemba
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amber@overcastlaw.com,lindat@overcastlaw.com,debbie@overcastlaw.com;kazembadr92395@notify.bestcase.com

David A Kazemba
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David R Law
on behalf of Creditor Port of Douglas County david@dadkp.com amy@dadkp.com

Dominique R Scalia
on behalf of Interested Party Unsecured Creditors Committee of Giga Watt Inc. dscalvia@lawdbs.com paralegal@lawdbs.com

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on behalf of Attorney DBS Law dscalvia@lawdbs.com paralegal@lawdbs.com

Douglas A. Hofmann
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Gary W Dyer
on behalf of U.S. Trustee Gary.W.Dyer@usdoj.gov

Gretchen J. Hoog
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on behalf of U.S. Trustee james.perkins@usdoj.gov

Jason T Piskel
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Jason T Piskel
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Kathryn R McKinley
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Mark Waldron
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Pamela Marie Egan
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Pamela Marie Egan
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Pamela Marie Egan on behalf of Defendant Pamela M Egan pegan@potomaclaw.com
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Pamela Marie Egan on behalf of Defendant GIGA WATT INC pegan@potomaclaw.com
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Vanessa Pierce on behalf of Creditor David M Carlson vrollins@gmail.com
Vanessa Pierce on behalf of Creditor Clever Capital LLC vrollins@gmail.com
William L Hames on behalf of Creditor Port of Douglas County billh@hawlaw.com
mecqueh@hawlaw.com,juliem@hawlaw.com,frontdesk@hawlaw.com,carmenb@hawlaw.com,katies@hawlaw.com

TOTAL: 44

So Ordered.

Dated: October 20th, 2020



Frederick P. Corbit

Frederick P. Corbit
Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

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10 In re:

Case No. 18-03197 FPC 11

11 GIGA WATT, Inc., a Washington
corporation,

The Honorable Frederick P. Corbit

12

Chapter 7

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Debtor.

**ORDER: (I) APPROVING THE
SALE OF MOSES LAKE
EQUIPMENT AND RELATED
RELIEF, (II) APPROVING BID
PROCEDURES, AND (III)
SHORTENING TIME TO OBJECT**

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This matter came to be heard on the *Chapter 11 Trustee's Motion for Order*

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(i) *Approving the Sale of Moses Lake Equipment and Related Relief, (ii) Approv-*
ing Bid Procedures, and (iii) Shortening Time to Object (the "Motion") [Doc No.

20

720] on October 19, 2020 at 10:00 a.m. (the "Hearing"). Unless otherwise defined

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herein, capitalized terms have the meanings ascribed to them in the Motion.

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Order: (i) Approving
Sale of Moses Lake Equipment, etc. – Page 1

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1 Based upon the Motion, the record before the Court, and the Objection to
2 the Motion, filed on October 8, 2020 [[Doc 753](#)], the Court made the following
3 findings of fact and conclusions of law at the Hearing:

4 1. On September 30, 2020, this case converted to one under Chapter 7 of
5 the Bankruptcy Code by [Order](#) of this Court. Mark D. Waldron is the duly
6 appointed Chapter 7 Trustee herein.

7 2. The interests asserted in the Objection will be adequately protected if
8 the Chapter 7 Trustee holds the Sale proceeds until those asserted interests are
9 resolved.

10 3. Delay is not possible. The ML Equipment will be lost upon delay.

11 4. Mr. Jun Dam is not a miner owner.

12 5. Mr. Jun Dam is not a lawyer.

13 6. Mr. Jun Dam has synthesized the arguments of those who signed the
14 Objection.

15 7. The Sale is in good faith.

16 8. The Chapter 7 Trustee is exercising reasonable business judgment
17 with respect to the Sale.

18 9. Notice of the Sale is sufficient. The request for shortened notice was
19 denied to allow more time for any objecting parties or interested bidders to
20 participate.

21 10. Pursuant to 11 U.S.C. § 704(a)(1), the Chapter 7 Trustee has a duty to
22 collect and reduce to money all property of the estate.

23 Order: (i) Approving
24 Sale of Moses Lake Equipment, etc. – Page 2

1 11. The ML Equipment is property of the estate pursuant to 11 U.S.C.
2 § 541(a)(1) which provides that the estate is comprised of “all legal or equitable
3 interests of the debtor in property as of the commencement of the case.” *Id.*

4 12. Pursuant to 11 U.S.C. §§ 363(b) and (f), the Chapter 7 Trustee has the
5 authority to complete the Sale free and clear of any interest in the ML Equipment.
6 The interest asserted in the Objection is in *bona fide* dispute. 11 U.S.C.
7 § 363(f)(4). The parties signing the Objection “could be compelled, in a legal or
8 equitable proceeding, to accept a money satisfaction of such interest.” 11 U.S.C.
9 § 363(f)(5).

10 13. It is appropriate in a liquidation case to provide that an asserted
11 interest in property sold will attach to the sale proceeds to the extent of the
12 asserted interest.

13 14. An appropriate way to determine the value of property to be sold is to
14 put the property up for sale and learn what people are willing to pay.

15 Any other findings of fact and conclusions of law made by the Court at the
16 Hearing **and in the contemporaneous Findings of Fact and Conclusions of Law**
17 **In Support of Order Authorizing Sale of Moses Lake Equipment** are incorporated
18 herein by reference as if set forth fully herein as provided in Rule 7052 of the
19 Federal Rules of Bankruptcy Procedure.

20 ACCORDINGLY, IT IS HEREBY ORDERED THAT THE MOTION IS
21 GRANTED AND FURTHER ORDERED THAT

22 1. The Sale Agreement is approved.

23 Order: (i) Approving
24 Sale of Moses Lake Equipment, etc. – Page 3

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1 2. The Chapter 7 Trustee is authorized to proceed with the Sale on
2 terms that are no less favorable to the estate than the terms of the Sale Agreement
3 pursuant to an oral auction to be conducted by the Chapter 7 Trustee.

4 3. The Bidding Procedures are approved. No credit bids will be allowed
5 or accepted.

4. The form of the Notice and the manner of its service are approved.

5. The Sale is found and is deemed to have been made in good faith.

8 6. The 14-day stay provided by Rule 6004(h) of the Federal Rules of
9 Bankruptcy is waived.

10 7. The Trustee shall hold the Sale proceeds until further Order of this
11 Court so that the ownership rights of creditors in the property sold, if any,
12 will attach to the sale proceeds.

13 8. This Order shall be valid and fully effective immediately upon its
14 entry.

/// END OF ORDER ///

PRESENTED BY:

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Seattle, WA 98110
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Proposed Attorneys for Mark D. Waldron,
as Chapter 7 Trustee

23 Order: (i) Approving
24 Sale of Moses Lake Equipment, etc. – Page 4